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IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Civil Action No. 5:22-CV-00869-JKP-HJB

VIDEOCONFERENCE DEPOSITION OF TODD JASPERS

April 11, 2025

Plaintiff,

DR. JOHN ROE,

v.

Defendant,

UNITED STATES OF AMERICA, et al.

APPEARANCES:

ALLEN VELLONE WOLF HELFRICH & FACTOR, PC
By Jason R. Wareham, Esq.
1600 Stout Street, Suite 1900
Denver, Colorado 80202
Appearing on behalf of Plaintiff.

HENDLEY & HODGES LAW, PLLC
By John W. Hodges Jr., Esq.
4594 US Highway 281 North
Spring Branch, Texas 78070
Appearing on behalf of Plaintiff.

DEFENDANT'S
EXHIBIT

25

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1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: The time is 10:04. We
3 are on the record. Today is April 11, 2025. This
4 begins the recorded deposition of Todd Jaspers in
5 the matter of Dr. John Roe versus The United States
6 of America, et al. This deposition is being
7 recorded via Zoom videoconferencing. The court
8 reporter is Marcus Boyer. The videographer is
9 Maryvonne Tomkins.

10 The attorneys would introduce themselves,
11 starting with the plaintiff, please.

12 MR. WAREHAM: Jason Wareham on behalf of
13 Plaintiff, lead counsel, along with John Hodges,
14 Lance Henry, and Rebecca Bradshaw is on my team,
15 paralegal.

16 MR. GONZALEZ: Joseph Gonzalez and I'm
17 joined with my colleague, Kati Seeman, and we
18 represent the government defendants in this matter
19 with the Department of Justice.

20 THE VIDEOGRAPHER: Our court reporter
21 will please swear in the witness and we can proceed.

22 TODD JASPERS,
23 being first duly sworn in the above cause, was
24 examined and testified as follows:

25 EXAMINATION

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1 I have to look at my resume, but I know I sent it
2 to -- to both the -- the Plaintiff lawyers and the
3 Defendant lawyers. I went to Leidos.

4 Dr. [REDACTED] -- he didn't reach out to me, but I
5 asked him if there was any -- if there was any
6 opportunities at Leidos.

7 I was actually very unhappy at NSA.
8 Sorry. Give me a second. I apologize. Let me -- I
9 have a landline. Don't judge me.

10 Q Yeah, I'm surprised. I haven't seen one
11 of those in a while.

12 A I know. So I don't know how much of this
13 you need to know, but I was -- I -- I did not take
14 the pull-out of Afghanistan very well. It hit me
15 really hard. I kind of just hit all the things
16 that -- that I saw when I was there, but when it
17 actually happened, when we pulled out, like it --
18 I -- I wasn't doing well --

19 Q Yeah --

20 A -- and I just --

21 Q -- if it makes you feel any better --

22 A Yeah, and -- and -- and I just like --
23 I'm just going to share this. It sounds ridiculous
24 I'm even saying this, but my colleague at NSA and my
25 subordinate, he was an avowed communist, which was

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1 something I'd just never heard of before in my life
2 and that was completely acceptable to NSA, he had an
3 English major, and I was like completely a waste of
4 my time. NSA had gone from 44,000 employees down to
5 8,000, which is unclassified now, by the way.

6 And, so, all I was doing was writing
7 papers. I was miserable. Like I -- I -- I just --
8 I wanted to like get back to actually doing some
9 good and -- and something. And, so, Dr. [REDACTED] he
10 said, "Well" -- you know, he was very clear that he
11 wasn't going to ask me unless I asked him because I
12 guess there's some laws as contractors; you can't
13 ask federal employees.

14 So I -- I -- I had reached out to him and
15 asked if there were any opportunities and he got me
16 a position as a researcher at Leidos. Now, fast
17 forward about -- I want to say maybe five,
18 six months, we're probably into -- we're now into
19 2022 and Dan Brown called me on the phone, asked if
20 there was anything that we had that might help his
21 team. So he actually did reach out to me first.

22 And I said, "Yeah, absolutely. We're
23 working on three types of technologies." Excuse me.
24 And I can go into one. It focuses on endpoint, in
25 the middle, and then -- gosh. I'm drawing a blank.

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1 Well, a parameter, endpoint, and then the network
2 traffic in the middle.

3 And, so, we all -- our -- our --
4 Dr. [REDACTED] thought was always offense first,
5 defense second. I won't get into why that matters,
6 but it has to do with how you train models
7 offensively and then how you develop them
8 defensively. And these -- these were -- these were
9 new capabilities, barely tangential to the things
10 that I kind of asked for, not really, but they were
11 trying to solve some of the other problems that we
12 had.

13 And -- and Dan was interested in enough
14 that we put together some slide decks and we
15 presented -- I think I probably -- I don't remember
16 the exact number, but we -- we presented to him a
17 couple times. And stop me if you want to break this
18 up.

19 Q Oh. Yeah, let's break this up. Exactly.

20 A Okay.

21 Q All right. So let's get to a timeline
22 around August of 2020, which, in the complaint, is
23 when we've described Dr. [REDACTED] leaving Air Force
24 Cyber. All right. What -- what do you recollect
25 from that time period relevant to this?

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1 are -- are trying to see what challenges there
2 are -- basically to see if we can try and sell you
3 something.

4 Q Okay. And when you described the e-mail
5 that said only your name would be on the --
6 the slides from Mr. Lipsey, do you know what that
7 was in reference to?

8 A Yes, that's the slide deck that we sent
9 to Dan Brown. He was just confirming to Dan Brown
10 that only -- that only my name was going to be on
11 the slides. But, again, I want to be very clear,
12 there was nothing in the e-mail from Dan Brown that
13 says, you know, you can't have Dr. [REDACTED] --

14 Q I understand that. Are you aware of any
15 reason why Rick would tell you that?

16 A It -- it could be maybe that --

17 MR. GONZALEZ: I'm going to object to
18 this question. Form.

19 A Yeah, I -- I -- I'm -- I'm not -- I'm not
20 really sure. It could be that maybe Dr. [REDACTED] --
21 because I would've -- I would've had that
22 conversation with Dan Brown. So I would have talked
23 to Dr. [REDACTED] and said, "Hey, you can't have your
24 name on there." Maybe he then mentioned it to Rick
25 Lipsey. I'm -- I'm not really sure. It -- yeah.

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1 Q So let's go back to Dan Brown --

2 A Roger.

3 Q -- specifically on this issue. What, if
4 anything, did Dan Brown say on this issue about
5 removing Dr. [REDACTED] name from the slides?

6 A So he said -- the term was used, "persona
7 non grata," and he said multiple -- you know, any
8 time that we would interact with them, he said that
9 we can't have Dr. [REDACTED] on any of the
10 documentation.

11 As a matter of fact, I -- I don't think
12 he even wanted Dr. [REDACTED] on the -- the meeting --
13 on the Teams call while we were doing the
14 presentation, but, you know, Dr. [REDACTED] was like,
15 "It's my research, so I'm going to be on it anyway,"
16 and, so, he still went on the Teams call.

17 Q Okay. Did Dan Brown ever give you
18 insight into why he didn't want Dr. [REDACTED] on the
19 call?

20 A Well, I -- I think -- it was pretty clear
21 to me that it was probably because of the lawsuit.
22 The only thing I ever heard from him was, "I don't
23 think you know what he did," referring to the
24 lawsuit. And I said, "Look," you know, "I don't
25 really want to get involved in that. I'm friends

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1 Q Did you ever do anything to look into or
2 independently investigate whether he was, in fact,
3 trying to siphon or reallocate funding?

4 A No, it really wouldn't have been my -- my
5 job. I mean, I -- I'm -- I -- I hate to use the
6 term "it's not my job," right, but I have so many
7 other requirements. The things that I levied to Dan
8 Brown were supposed to be revolutionary,
9 game-changing, but I've got my day-to-day mission of
10 providing exploits and -- and capabilities to -- to
11 the Air Force people. So I would not -- it would
12 have not been my position to even be involved in
13 that.

14 Q So you only know what [REDACTED] and Dan
15 Brown told you; is that correct?

16 A That -- that is correct. My -- my
17 understanding of the situation comes from Dan Brown
18 and Dr. [REDACTED]

19 Q I want to talk to you about, I guess,
20 the -- the presentation to HNCO that occurred in
21 sometime early 2023. Do you know what I'm talking
22 about?

23 A Yes, yes.

24 Q You testified that Brown told you not to
25 include [REDACTED] on -- on the pitch to HNCO; is that

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1 right?

2 A That is correct in -- in a phone call.

3 Q In a phone call. Okay. In one phone
4 call?

5 A No, we've had multiple discussions about
6 that from Dan Brown where he basically said he's not
7 well-liked there because of a bunch of things, you
8 know, the -- the lawsuit, William McVay, all -- all
9 that stuff, that, "He cannot be on any of these
10 slides. We really don't want him in the" -- "in the
11 Teams call. We don't want him involved" -- "try
12 to" -- "to just have you be the one that does all
13 this stuff because they all love you," et cetera.

14 Q Before Dan spoke with you about [REDACTED]
15 involvement, did Dr. [REDACTED] tell you he had any
16 concerns about making the pitch to HNC0?

17 A I don't think so. No, I -- I can't
18 remember. I think it was -- I'm -- I'm pretty sure,
19 best of my recollection, it was Dan Brown that told
20 me first because I think we just would have put
21 Dr. [REDACTED] name on there by default and then sent
22 it to Dan Brown and probably, at that point, he
23 called me and said, "Hey, we can't have him on
24 there," and -- and Dan -- or Dr. [REDACTED] was pretty
25 upset about that.

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1 He -- he was not happy because, you know,
2 he -- he kind of views like the research as like --
3 as sort of his pride and joy and he's like -- and he
4 told me a couple of times, "This is my research. I
5 deserve to be on those slides. I deserve to be the
6 one presenting it." So he was pretty upset about
7 that.

8 Q So you said that [REDACTED] was upset. I
9 take it --

10 A Yes.

11 Q -- you went back to [REDACTED] and told him
12 about the conversation?

13 A Yes, because he's my boss.

14 Q Okay.

15 A At that time, he was my boss.

16 Q Okay. Is -- is this conversation in
17 person?

18 A It probably would have been on a phone
19 call. I -- I didn't even think to check my e-mail.
20 I -- I could try to look, but, best I know, I
21 probably had that conversation with him over the
22 phone. There might be an e-mail of me saying
23 something like that.

24 But, you know, I just would call
25 Dr. [REDACTED] on the phone pretty -- pretty quickly.

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1 deals with another country, right.

2 And each of those different countries
3 that are adversaries have like one particular big
4 thing that is a challenge for us to exploit them, if
5 you will. And, so, we sought to solve those
6 challenges for -- you know, there's like three
7 big -- big needs.

8 Q Dan Brown told you to not include [REDACTED]
9 in the presentation. Had anybody else ever told you
10 that before?

11 A No.

12 Q Okay. Has anyone else you've ever worked
13 with told you that since?

14 A I'm sorry. What --

15 Q Has -- has anyone ever told you not to
16 include Dr. [REDACTED] in a presentation since that
17 time that Dan Brown told you?

18 A Yes, but also Dan Brown and also the same
19 customer because we did it -- I think we did it
20 again -- like -- and it was just understood that,
21 "From here on out, you don't have Dr. [REDACTED] on
22 these things," but no other customer anywhere else
23 did we ever have that issue.

24 Q Okay. And by "other customer," are you
25 referring to like Space Force, DARPA, CIA?

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1 A Yeah, exactly, yeah.

2 Q Okay. None -- none of them ever
3 expressed any reservations about Dr. [REDACTED]

4 A No.

5 MR. WAREHAM: Objection as to form.

6 Q Okay. Do you have any sense of
7 Dr. [REDACTED] reputation in the field of cyber
8 operations?

9 MR. WAREHAM: Objection. Form and
10 foundation.

11 A So not cyber operations, right, but AI.
12 That's his strong suit. That's what he brought us
13 on because like my whole federal career has been
14 cyber. His has been math, research, AI. So he's
15 not -- you know, he used us to help fill the gaps
16 that he has for cyber. So, for him, he's an AI
17 solution architect, if you will.

18 I -- I don't know if that was the
19 question you were asking, but his -- he's,
20 generally, as far as I know, very well-known from
21 an -- from an AI perspective. That's why Leidos
22 made him the chief AI scientist and they kind of
23 just would parade him around at different
24 conferences and stuff. He was on -- he was on the
25 road quite a bit.

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1 Q What do you mean they would parade him
2 around?

3 A Well, like I said, he's a good speaker
4 and, so, they would try to send him to conferences,
5 try to get -- get him to have -- give speeches at
6 conferences, things like that, roundtables, stuff
7 like that, sometimes talk to the board of directors,
8 things like that.

9 Q And this was in an effort to generate
10 business?

11 A Yeah, I -- I assume almost everything we
12 do is to generate business. I mean, it's a company,
13 so -- I -- I will say sometimes Dr. [REDACTED] would do
14 things that were maybe funded by Leidos, where we
15 were sort of trying to give back to the community,
16 if you will. There were some situations of that.
17 So I -- I do take back a little bit of what I just
18 said.

19 Q You have a copy of this complaint, right?

20 A I don't have it printed out, but I -- I
21 did -- I did go through it a little bit.

22 Q Other than Dan Brown and Dr. [REDACTED]
23 have you ever talked about the subject matter of
24 this complaint with anybody else?

25 A I mean, other than the fact that like

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1 organizations would go through Dan Brown.

2 Q I want to go back to something that
3 you -- you said earlier. You were talking about,
4 you know, after the presentation in 2023 and you
5 used the phrase, "Generally understood that [REDACTED]
6 shouldn't be involved going forward," is that
7 correct?

8 A Yes, it was -- it was Dan Brown that said
9 to me that Dr. [REDACTED] should not be -- I -- I --
10 I'm not sure exactly how you're wording it, but Dan
11 Brown made it clear to me that -- that Dr. [REDACTED]
12 should not be on any presentations going forward.
13 Dr. [REDACTED] would still put himself on those Teams
14 calls, even though Dan Brown didn't want it.

15 Q And Dan Brown is the only person that
16 told you that; is that correct?

17 A That's correct. And he told me over the
18 phone, he said, "Look," you know -- and I'm just
19 kind of reiterating what I've said. He said that,
20 "If these slides get sent around or they see him on
21 there, they're" -- "they're" -- "they're not going
22 to support this because," you know, everything else
23 I've said so far.

24 Q Okay. Did Dan Brown tell you that
25 anybody at HNCO had specifically told him that?

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1 STATE OF COLORADO)
) ss. REPORTER'S CERTIFICATE
2 COUNTY OF DENVER)
3

4 I, Marcus K. Boyer, do hereby certify that
5 I am a Shorthand Reporter and Notary Public for the
6 State of Colorado; that previous to the commencement
7 of the examination, the deponent was duly sworn to
8 testify to the truth.

9 I further certify that this deposition was
10 taken in shorthand by me at the time and place
11 herein set forth, that it was thereafter reduced to
12 typewritten form, and that the foregoing constitutes
13 a true and correct transcript.

14 I further certify that I am not related
15 to, employed by, nor of counsel for any of the
16 parties or attorneys herein, nor otherwise
17 interested in the result of the within action.

18 In witness whereof, I have affixed my
19 signature this 23rd day of April, 2025.

20 My commission expires April 30, 2027.

21

22

23

24

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Marcus K. Boyer